

	)	
Fraserside IP, LLC,	)	
Plaintiff,	)	
v.	)	
	)	
Roland Waterweg d/b/a	)	Docket No. 11-3043-MWB
www.eskimotube.com and www.tjoob.com,	)	
and www.eskimotube.com and	)	
www.tjoob.com, and John Does 1-100	)	
and John Doe Companies 1-100,	)	
Defendants.	)	
	)	

Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(2), and 12(b)(6), Defendant Roland Waterweg respectfully moves for the dismissal of the Plaintiff's complaint in its entirety. As grounds for this Motion, Mr. Waterweg states that:

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appointed receiver, the Plaintiff has no standing to proceed. Accordingly, the Complaint must be dismissed pursuant to either Fed. R. Civ. P. 12(b)(1) or 12(b)(6).<sup>1</sup>

In further support of this Motion, xHamster relies on the accompanying memorandum of law.

Respectfully submitted,  
xHamster Solutions, Ltd.  
By its attorneys,

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<sup>1</sup> The Plaintiff's claims arise under the federal Copyright and Trademark laws. If it does not have standing to bring such claims, then there are no claims over which this court would have subject matter jurisdiction. Alternatively, the dismissal could be under Fed. R. Civ. P. 12(b)(6), since the Fraserside IP's lack of standing also means that it has failed to state a claim upon which relief may be granted.

ECF CERTIFICATE OF SERVICE

I, Evan Fray-Witzer, hereby certify that on November 4, 2011, a copy of the above document was served on Chad Bellville, attorney for the plaintiff, through the Court's ECF system in accordance with FRCP 5. In addition, a copy of the above document was served by email on Thomas Kummer, Esq., counsel for Eric Johnson, the plaintiff's court-appointed receiver.

/s/ Evan Fray-Witzer